REMARKS

Applicant appreciates the Examiner's thorough consideration provided the present application. Claims 1-15 and 17-21 are now present in the application. Claims 1, 10 and 12 are independent. Reconsideration of this application, as amended, is respectfully requested.

Reasons For Entry Of Amendments

As discussed in greater detail hereinafter, Applicant respectfully submits that the rejection under 35 U.S.C. § 103(a) is improper and should immediately be withdrawn. Accordingly, the finality of the Final Office Action mailed on July 12, 2005 should be withdrawn.

If the Examiner persists in maintaining his rejections, Applicant submits that this Amendment was not presented at an earlier date in view of the fact that Applicant is responding to a new ground of rejection set forth in the Final Office Action. In accordance with the requirements of 37 C.F.R. §1.116, Applicant respectfully requests entry and consideration of the foregoing amendments as they remove issues for appeal.

Claim Rejections Under 35 U.S.C. §§ 102 & 103

Claims 1-10, 12-15 and 17-21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Humpleman et al., U.S. Patent No. 6,198,479 (hereinafter referred to as "Humpleman"). Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over

Humpleman in view of Gupta et al., U.S. Patent No. 5,864,542 (hereinafter referred to as "Gupta"). These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

In light of the foregoing amendments to the claims, Applicant respectfully submits that this rejection has been obviated and/or rendered moot. Without conceding to the propriety of the Examiner's rejection, but merely to timely advance the prosecution of the application, as the Examiner will note, independent claims 1, 10 and 12 have been amended.

Independent claim 1 now recites a combination of elements including "a second server including a non-IP based data processing protocol layer connected to the non-IP based network, an interface connected to an IP based network (the Internet), and an application program as installed, the interface allowing communication of data between the IP based network and the non-IP based data processing protocol layer, the non-IP based data processing protocol layer communicating with the first server via the non-IP based network".

Independent claim 10 now recites a combination of steps including "a first server in a non-IP based network receives an Internet service request from an IP based network (the Internet) via an interface of a second server and a non-IP based data processing protocol layer of the second server, the interface converting the Internet service request from the IP based network to the non-IP based data processing protocol layer, the non-IP based data processing protocol layer transmitting the converted Internet service request to the first server via the non-IP based network".

Independent claim 12 now recites a combination of elements including "the first appliance including an interface and a non-IP based data processing protocol layer, the interface being connected to the IP based network, the non-IP based data processing protocol layer being connected to the non-IP based network, the interface allowing communication of data between the IP based network and the non-IP based data processing protocol layer of the first appliance" and "a second appliance connected and communicating with the non-IP based data processing protocol layer of the first appliance via the non-IP based network".

Support for the above combinations of elements and steps can be found in FIGS. 2 and 4 and the corresponding descriptions in the specification. Applicant respectfully submits that the combination of elements and steps as set forth in claims 1, 10 and 12 are not disclosed or suggested by the references relied on by the Examiner.

As presented in the last Rely filed May 24, 2005, Humpleman in FIG. 14 merely discloses an *IP-based* home network 1110 including an HTTP/IP based data bus 114 (see col. 4, lines 36-38). Humpleman further discloses that communication on the home network is provided through the use of the TCP/IP standard network protocols and that each home device is associated with a unique IP address (see col. 10, lines 45-52).

Although Humpleman discloses that other communication protocols such as Function Control Protocol (FCP) could be used to provide communication for a home network 100 in FIG. 1, Humpleman fails to teach how the home devices in such a non-IP-based (FCP) home network 100 is applied to the structure shown in FIG. 14 of Humpleman, which is an *IP-based network.*

In particular, Humpleman fails to teach that the Internet proxy 1104 (referred to by the Examiner as the second server in claims 1 and 10, and as the first appliance in claims 12)

includes *a non-IP based data processing protocol layer* connected to the non-IP based network

(referred to by the Examiner as FCP in Humpleman), and *an interface* connected to an IP based

network (the Internet 1102 in Humpleman) as recited in claims 1, 10 and 12. Therefore,

Humpleman also fails to teach "the interface allowing communication of data between the IP

based network and the non-IP based data processing protocol layer, the non-IP based data

processing protocol layer communicating with the first server via the non-IP based network" as

recited in claim 1, "the interface converting the Internet service request from the IP based

network to the non-IP based data processing protocol layer, the non-IP based data processing

protocol layer transmitting the converted Internet service request to the first server via the non-IP

based network" as recited in claim 10, and "the interface allowing communication of data

between the IP based network and the non-IP based data processing protocol layer of the first

appliance...a second appliance connected and communicating with the non-IP based data

processing protocol layer of the first appliance via the non-IP based network" as recited in claim

12.

With regard to the Examiner's reliance on Gupta, this reference has only been relied on

for its teachings related to dependent claim 11. This reference also fails to disclose the above

combinations of elements and steps as set forth in independent claims 1, 10 and 12. Accordingly,

Gupta fails to cure the deficiencies of Humpleman.

Accordingly, neither Humpleman nor Gupta individually or in combination teaches or

suggests at least the above-noted features of independent claims 1, 10 and 12. Therefore,

Applicant respectfully submits that independent claims 1, 10 and 12 and their dependent claims

(due to their dependency) clearly define over the teachings of Humpleman and Gupta.

Application No.: 09/891,359
Amendment due November 12, 2005
Amendment Dated October 21, 2005

Attorney Docket No. 0630-1278P
Art Unit: 2662
Page 12

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 103 are respectfully requested.

CONCLUSION

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By _____
Esther H. Chong
Reg. No. 40,953

EHC/GH/sks

P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000